

ZONING CHANGE REVIEW SHEET

CASE: C14-07-0021

P.C. DATE: March 27, 2007

ADDRESS: 5308 Nuckols Crossing Road

OWNER: Fernando Dreux

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: LR-NP

TO: GR-NP

AREA: 0.870 acres
(37,897.20 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny community commercial – neighborhood plan (GR-NP) combining district zoning.

If the requested GR zoning is granted, Staff recommends that a conditional overlay (CO) limit development to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

March 27, 2007: *APPROVED GR-MU-CO-NP DISTRICT ZONING, WITH THE CONDITIONAL OVERLAY PERMITTING GENERAL RETAIL SALES (GENERAL) USE, ALL LR USES AND DEVELOPMENT STANDARDS, AND 2,000 VEHICLE TRIPS PER DAY.*

[J. REDDY, T. ATKINS – 2ND](9-0)

ISSUES:

The Applicant is in agreement with the recommendation of the Planning Commission.

DEPARTMENT COMMENTS:

The subject rezoning area is an undeveloped platted lot that accesses Nuckols Crossing Road, is zoned neighborhood commercial – neighborhood plan (LR-NP) combining district and is designated as Mixed Use on the Future Land Use Map. The property is surrounded to the west and south by duplexes (SF-3-NP) and to the north by a fast food restaurant (GR-NP). At the intersection of Stassney Lane and Nuckols Crossing Road to the east, there is a service station and a retail sales use (LR-NP), and as well as undeveloped property planned for a condominium development to the southeast (SF-6-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the community commercial – neighborhood plan (GR-NP) combining district for a retail sales (general) business, a use first permitted in the GR district. The Applicant has also discussed with Staff limiting the GR zoning to this use, all LR uses and LR site development standards. Research by Staff indicates that the

property has been zoned LR since at least 1980. An NP combining district was added to the property with the approval of the Southeast Combined Neighborhood Plan rezonings in 2002.

The Staff is unable to recommend a rezoning to GR based on the following considerations: 1) the existing LR-NP zoning provides a transition in terms of uses and compatibility with the adjacent residential uses; 2) sole frontage on a collector street; 3) the property along the east side of Nuckols Crossing Road is similarly situated and zoned LR-NP; and 4) more intensive commercial zoning and its permitted uses are more desirable at the intersection. The Staff recommendation is to maintain the existing LR-NP zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-NP	Undeveloped
<i>North</i>	GR-NP	Restaurant (fast food)
<i>South</i>	SF-3-NP	Duplexes; Single family residences
<i>East</i>	LR-NP; SF-6-NP	Service station; Undeveloped
<i>West</i>	SF-3-NP	Duplexes; Single family residences

NEIGHBORHOOD PLANNING AREA: Southeast **TIA:** Is not required
Combined (Franklin Park)

WATERSHED: Williamson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

27 – Franklin Park Neighborhood Association
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 176 – Kensington Park Homeowners Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 437 – Dove Springs Neighborhood Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 688 – Southeast Neighborhood Planning Contact Team
 742 – Austin Independent School District
 743 – Southeast Austin Trails & Greenbelt Alliance
 753 – Paisano Mobile Home Park Neighborhood Association
 786 – Home Builders Association of Greater Austin

SCHOOLS:

Widen Elementary School Mendez Middle School Charles Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0117.SH	SF-3-NP to SF-6-NP	To Grant SF-6 district zoning with conditions of the Neighborhood Traffic Analysis	Approved SF-6-NP district zoning (6-27-02).

RELATED CASES:

The Southeast Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on October 10, 2002 (C14-02-0128.02).

The subject property consists of Lot 1, Block A of the J. P. Subdivision recorded in November 1984 (C8s-84-010).

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Nuckols Crossing Road	62 feet	33 feet	Collector	Yes, Priority 1 route	Yes, Route 311 is available along Stassney Lane	Yes

CITY COUNCIL DATE: May 3, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

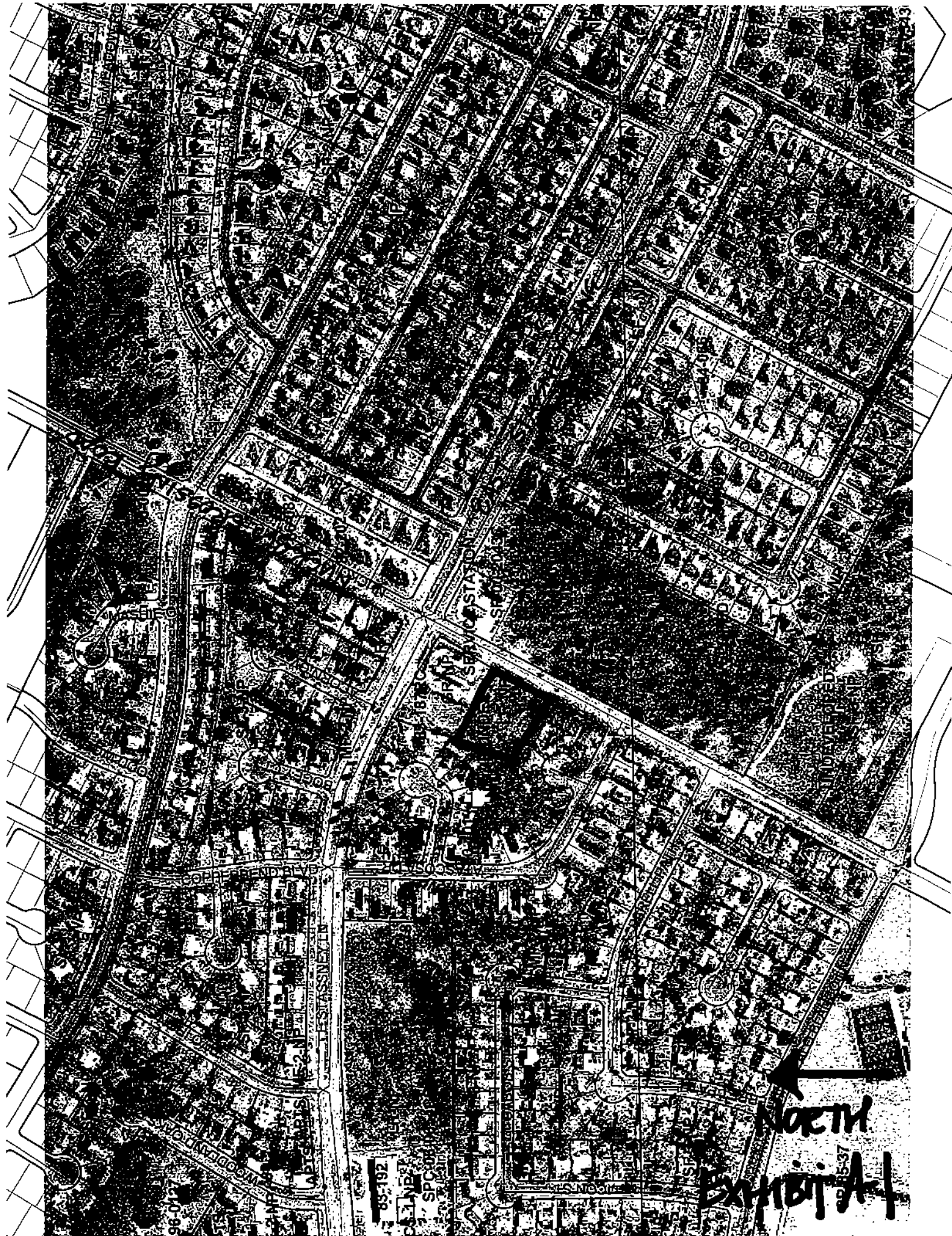
ORDINANCE NUMBER:

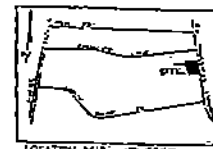
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400' SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	 CASE #: C14-07-0021 ADDRESS: 5308 NUCKOLS CROSSING SUBJECT AREA (acres): 0.870	ZONING DATE: 07-02 INTLS: SM SWIMMING POOL	EXHIBIT A CITY GRID REFERENCE NUMBER J16





NOTE THE PROPOSED USE FOR LOT 1 BLOCK 2 SHALL BE RESTRICTED TO SINGLE FAMILY OR DUPLEX UNTIL THE APPROPRIATE ZONING MAY OTHERWISE PROVIDE.

EXHIBIT B
RECORDED PAGE

RECEIVED
JAN 12 1964
CITY PLANNING
CITY OF AUSTIN

CS-84-010

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny community commercial – neighborhood plan (GR-NP) combining district zoning.

If the requested GR zoning is granted, Staff recommends that a conditional overlay (CO) limit development to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to Nuckols Crossing Road, a collector street.

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: “The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.”

2. Zoning changes should promote compatibility with adjacent and nearby uses.

The Staff is unable to recommend a rezoning to GR based on the following considerations: 1) the existing LR-NP zoning provides a transition in terms of uses and compatibility with the adjacent residential uses; 2) sole frontage on a collector street; 3) the property along the east side of Nuckols Crossing Road is similarly situated and zoned LR-NP; and 4) more intensive commercial zoning and its permitted uses are more desirable at the intersection. The Staff recommendation is to maintain the existing LR-NP zoning.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80% based on the more restrictive watershed regulations, outlined below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 3,653 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be

limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, and utility relocations. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

Compatibility Standards

The site is subject to compatibility standards. Along the west and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- A landscape area along the north and east property line is required. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-07-0021

Persona designada: Wendy Walsh, (512) 974-7719

Audiencia Publica:

March 27, 2007 Planning Commission

JACK HOWISON

☐ I am in favor
☒ I object

Su nombre (en letra de molde)

4204 GREGG LANE, AUSTIN, TX 78744

Su domicilio(s) afectado(s) por esta solicitud

Jack Howison

Firma

4/17/2007

Fecha

Comments: ALTHOUGH I AM A MEMBER OF
KENSINGTON PARK NH ASSOC. AND THE SE,
COMBINED N.H. PLAN TEAM I AM OBJECTING
AS AN INDIVIDUAL WHO CANNOT IN GOOD
FAITH SUPPORT INCREASED TRAFFIC ON THE
ALREADY UNSAFE EAST ST ELMO UNTIL
PLEASANT VALLEY RD IS OPENED FROM
BUTTON BEND RD TO TODD LANE

Si usted usa esta forma para proveer comentarios, puede retornarlos

a: City of Austin

Neighborhood Planning & Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810